

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|-------------------------------|---|--------------|
| CHRISTOS SOUROVELIS, et al., | : | CIVIL ACTION |
| | : | No. 14-4687 |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| CITY OF PHILADELPHIA, et al., | : | |
| | : | |
| Defendants. | : | |

O R D E R

AND NOW, this **23rd** day of **February, 2017**, upon consideration of Plaintiffs' Motion to Certify a Rule 23(b) (2) Class on Plaintiffs' Fifth Claim for Relief (ECF No. 118), and following a hearing held on the record with counsel for the parties, it is hereby **ORDERED** that Plaintiffs' motion is **GRANTED in part** and **DENIED in part** as follows:

1. Plaintiffs' motion is **GRANTED** to the extent that it seeks to certify a Rule 23(b) (2) class on Count Five of Plaintiffs' Second Amended Complaint (ECF No. 157) with respect to Plaintiffs' requests for (1) a declaration that the City and D.A. Defendants' policy and practice of retaining forfeited property and its proceeds is unconstitutional, and (2) an injunction enjoining that policy and practice.

2. Plaintiffs' motion is **DENIED** to the extent that it seeks to certify a Rule 23(b) (2) class on Count Five with

respect to Plaintiffs' request for an entry of judgment requiring the return of property.

3. The class shall consist of the following individuals:

All persons who hold legal title to or otherwise have a legal interest in property against which a civil-forfeiture petition was filed pursuant to the Controlled Substances Forfeiture Act, 42 Pa. Cons. Stat. Ann. §§ 6801 and 6802, by the Philadelphia District Attorney's Office on or after August 11, 2012, or will in the future be filed, in the Court of Common Pleas of Philadelphia County.

4. Plaintiffs Christos Sourovelis, Doila Welch, Norys Hernandez, and Nassir Geiger are designated as class representatives.

5. The Institute for Justice and David Rudovsky, Esquire, are designated as class counsel.

6. The City Defendants' Motion to Submit a Surreply Brief (ECF No. 159) is **GRANTED**.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.